

# How to End a Guardianship of a Minor (Probate Court)

## **HOW TO:**

Ask the Court to decide that the current Guardian will not be the Guardian anymore.

## **WHEN TO USE:**

1. A child has a Guardian in Probate Court (*not* Juvenile Court) in Santa Clara County (191 N. First St., San Jose) and
2. You are a parent or the Guardian or any other involved party and
3. You want to ask the Court to terminate (stop) the Guardianship.

***Self-Service Center***  
*Superior Court, County of Santa Clara*  
*99 Notre Dame Avenue, San Jose, CA 95113*  
*408-882-2926*

[www.sccselfservice.org](http://www.sccselfservice.org)  
Santa Clara County  
Self-Help website

[www.sccsuperiorcourt.org](http://www.sccsuperiorcourt.org)  
Santa Clara County  
General website

[www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)  
State of California  
Self-Help website

# INSTRUCTIONS

**A. Fill out the attached blank forms** (type or print neatly in blue or black ink) using the attached sample forms as a guide:

- **Petition for Termination of Guardianship** (GC-255)
- **Notice of Hearing** (GC-020)
- **Confidential: Referral for Investigator's Report** (Local Form PB-4005)
- **Order Terminating Guardianship** (GC-260)

\*\*\*Note: Use the same case number already assigned to the case. \*\*\*

**B. How to File Your Papers** – Follow these steps *in order*, from 1 to 4:

1. **Fill out the forms:** After filling out the forms listed above, make **2 copies** of the forms (the original plus one copy is for the Court).
2. **Turn your papers into the Court:** Then take the original and both copies of the forms to the Clerk's Office Room 107/**Probate Division** of the Superior Court at **191 N. First Street, San Jose, CA**. Your forms will be file-stamped and you will be given a hearing date. Make sure to have your copy file-stamped before you leave the building!
  - a. If you have never filed any papers in this case the **filing fee** is \$274.50.
  - b. ***If your income is low and you want to ask to not pay the filing fee***, fill out and turn in an **Application for Waiver of Court Fees and Costs** packet (#982(a)(17) and 982(a)(18)).
3. **Serve the papers:**
  - **OPTION #1** - When you get your forms back with the Court date, make enough copies of the **Petition for Termination of Guardianship** (GC-255) and **Notice of Hearing** for every person who must be given ("served") a copy of the papers (Do not serve the Referral For Investigator's Report – it's confidential!) The law says that you must serve a copy to the following people by mail:
    - (1) All grandparents, (2) mother, (3) father, (4) the current guardian, (5) the child if he/ she is 12 or older and (6) any of the child's brothers and sisters who are 12 or older.

**IMPORTANT: You cannot serve the papers yourself.**

Papers can be served by an adult (18 years or older) who is not a party to the case.

Whoever serves the papers must complete & sign the *Proof of Service by Mail* on the back side (page 2) of your copy of the **Notice of Hearing** (GC-020) form. The other person, who receives the papers, does not sign this form. The **Notice of Hearing** and the **Petition** must be given or deposited in the mail to all parties involved at least 15 days before the hearing.

**OR**

- **OPTION #2** – You can have the people who are to be served (listed above in OPTION #1) sign the *Consent to Termination and Waiver of Notice* on the back side (page 2) of the **Petition for Termination of Guardianship**. If the people who are to be served fill out the *Consent to Termination*, you do not need to serve them.
4. After getting the person who mailed the papers to sign the *Proof of Service by Mail* part of your copy of the **Notice of Hearing** form take the form back to the courthouse to file it before the Court hearing. This step is to prove to the Judge you had all parties served. Make sure to keep a filed copy for yourself.

**C. When you come to Court –**

Bring a copy of all the papers in your case and also bring any papers which help to prove the information in your Petition. If you have any witnesses, they should also be present.

\*\*\*NOTE: You are responsible for preparing your own paperwork. Everyone's case is different. The information and sample forms here are for reference only. If you need help, you can visit the *Self-Service Center* at 99 Notre Dame Ave., San Jose, CA.\*\*\*

If you still have questions, talk to an attorney for legal advice. Referrals to private and low-cost attorneys are available at the Self-Service Center or on the court's website.

You must know the Court's local rules. They are available on the court's website. (see front page of this handout for website)